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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,123	03/28/2001	Thomas M. Sirhall	P5710 (SMQ-059)	2140

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EXAMINER
HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
3714	6

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary	Application No.	Applicant(s)	
	09/820,123	SIRHALL, THOMAS M.	
	Examiner	Art Unit	
	Chanda L. Harris	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-8,11-13 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-8,11-13 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Status of Claims

In response to the office action filed on 2/11/03, Claims 1-2, 5-8, 11-13, and 17-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields (US 6,347,943). The rejection from the previous office action is maintained and is incorporated herein by reference.

[Claims 6-8, 11-13]: Regarding Claims 6-8 and 11-13, Fields discloses wherein the fill-in-the-blank applet includes a definition file (i.e. template), which is unavailable to the user, defining a correct answer (i.e. choose a correct answer) to the question such that the definition file is separate from a source code for said Web page or HTML code to prevent a user from obtaining the correct answer by viewing the source code. Fields states that the server holds the knowledge base material, such as the authored instructional content (e.g. definition file including answers), and that the user interface

materials reside on the client side (e.g. separate from the server and definition file located on the server). See Col.4: 47-57 and Col.5: 47-59. Therefore, it would have been an inherent feature of Fields' invention to have a definition file comprising answers that is separate from source code for a Web page and thereby unavailable to the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2,5 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields in view of Fong et al. (US 5,219,291). The rejection from the previous office action is maintained and incorporated herein by reference.

1. [Claims 1-2,5, 17]: Regarding Claims 1-2,5, and 17, Fields does not disclose expressly wherein said applet automatically provides a correct answer in the text box after the user surpasses a predetermined number of attempts and preventing the user from entering an answer after said predetermined number of attempts. However, providing a correct answer after the user surpasses a predetermined number of attempts and preventing the user from entering an answer after a predetermined number of attempts is old and well known in the art. Fong teaches providing a correct answer in the text box after the user surpasses a predetermined number of attempts in

Col.6: 67-Col.7: 2: "If after three attempts the child is unable to provide the correct response ***the correct response will appear in place of the question mark*** accompanied by the message "this is the correct answer." (emphasis added). It would have been an inherent feature of Fong's invention that the user would be prevented from entering an answer after a predetermined number of attempts if the correct answer is going to be provided by Fong's system to the user subsequently. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate into the method and system of Fields the aforementioned limitations, in light of the teaching of Fong, in order to reduce the probability that a user arrived at a particular answer by guessing.

2. [Claim 2]: Regarding Claim 2, Fields discloses wherein said applet provides feedback to the user indicating whether an answer entered by the user is correct. See Col.2: 42-50.

3. [Claim 18]: Regarding Claim 18, Fields discloses a browser for locating and displaying said Web page. See Col.4: 20-23.

4. [Claim 19]: Regarding Claim 19, Fields discloses a network connection for connecting said electronic device to a computer network. See Col.4: 8-12.

5. [Claim 20]: Regarding Claim 20, Fields' discloses input media to allow the user to enter said answer. See Col.7: 9-27.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Siefert (US 5,904,485)

  -prescribed number of attempts

Response to Arguments

Applicant's arguments filed 3/28/01 have been fully considered but they are not persuasive.

Fields ('943) in combination with Fong ('291) results in an applet providing the answer automatically after the user surpasses a predetermined number of attempts.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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April 24, 2003

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700